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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In Re:

**Matthew Eric Cook &
Carolyn Jane Cook**

7241 White Oak Lane, Brown's Valley, CA 95918
xxx-xx-6085/xxx-xx-3026

Debtor(s).

Case No.: 10-34449-A-7
DC No.: DD-01

Date: August 2, 2010
Time: 9:00 AM
Judge: Michael McManus
Courtroom: 28
Place: 501 I Street, 7th Fl
Sacramento CA 95814

**MOTION BY DEBTOR FOR ORDER COMPELLING TRUSTEE TO
ABANDON DEBTOR'S SOLE PROPRIETORSHIP BUSINESS**

1. Debtor hereby moves the court pursuant to 11 U.S.C. Section §554(b) for an order compelling the Trustee to abandon Debtor's sole proprietor business on the basis that the business is of inconsequential value or benefit to the estate and is otherwise burdensome to the administration of this case.

I. Factual Background.

2. Matthew Eric Cook and Carolyn Jane Cook ("Debtor") filed a voluntary petition for relief under the United States Bankruptcy Code [11 U.S.C. §101 et seq.] ("Bankruptcy Code") on or about June 1, 2010.

3. John R. Roberts was appointed to serve as Chapter 7 Trustee in Debtor's case.

4. Debtor owns a sole proprietor business known as “Line-X of Yuba Sutter” located at 1100 Garden Hwy Ste 300, Yuba City, CA 95991-7593, which spray liners into truck beds (“Subject Business”).

5. The owned assets of the Subject Business consist of the following, as noted on Schedule B filed with this Court [See Docket Item No. 1]:

a. Accounts Receivable/Work in Progress/Inventory: \$ 3,723.15

b. Computer, printer, desk, counter, misc displays	\$ 500.00
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c. Spray equipment, hand tools, spray area, fork lift	\$ 4,500.00
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d. Bank accounts (checking, savings)	\$ 4,510.00
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e. General intangibles (website, phone number, franchise, business license and customer list)	\$ 100.00
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f. Security Deposit	\$ 2,230.00
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Total: \$15,563.15

6. In addition to the owned assets listed above, Debtors also lease a credit card processor, which has a balance due of \$1,612.66.

7. Debtor has exempted up to \$15,563.15 of equity in the Subject Business pursuant to Schedule C filed with this Court [*See*, Docket Item No. 1].

8. Except for the specific amounts noted above, the value of the Subject Business is essentially attributable to Debtors on-going post-petition services devoted to operating the Subject Business. Such post-petition services are not property of Debtors' bankruptcy estate.

9. The debts of the Subject Business coupled with the exempt equity equal or exceed the fair market value of the Subject Business, therefore, there is no non-exempt equity in the Subject Business.

II. The Sole Proprietor Business Is Burdensome or of Inconsequential Value and Benefit to the Estate.

10. 11 U.S.C. Section 554(b) provides as follows:

On request of a party in interest and after notice and a hearing, the court may order

1 the trustee to abandon any property of the estate that is burdensome to the estate or
2 that is of inconsequential value and benefit to the estate.

3 11. As set forth above, there is minimal equity in the Subject Business and it is, therefore, of
4 inconsequential value and benefit to the estate.

5 12. The Subject Business may also be burdensome to the estate due to on-going insurance,
6 maintenance and license costs and other potential risks faced by the estate through continued
7 ownership of the Subject Business.

8 13. As such, the court should order the Trustee to abandon the Subject Business.

9 WHEREFORE, Debtor prays:

- 10 1. For an order compelling the Trustee to abandon the Subject Business; and,
11 2. For such other and further relief as the court deems proper.

12 Dated: July 9, 2010

13 DAHL & DAHL,
14 ATTORNEYS AT LAW

15 By: /s/ Candy Dahl Goldman
16 Candy Dahl Goldman
17 Attorneys for Matthew Eric Cook & Carolyn
18 Jane Cook
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